

Exhibit 6

ORAL DEPOSITION OF STEPHEN MICHAEL MCCOLLUM

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION

4 STEPHEN MCCOLLUM, et al,)
5 Plaintiffs,)
6 V.)
7)
8 BRAD LIVINGSTON, et al,)
9 Defendants.)

10 C.A. No. 3:12-CV-02037

11 ORAL DEPOSITION OF
12 STEPHEN MICHAEL MCCOLLUM

13 November 22, 2013

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15 ORAL DEPOSITION OF STEPHEN MICHAEL MCCOLLUM,
16 produced as a witness at the instance of the Defendant
17 University of Texas Medical Branch and duly sworn, was
18 taken in the above-styled and numbered cause on the 22nd
19 of November, 2013, from 3:35 p.m. to 5:22 p.m., before
20 DEBRA L. McGREW, CSR in and for the State of Texas,
21 reported by machine shorthand at the offices of Edwards
22 Law, 1101 E. 11th Street, Austin, Texas, pursuant to the
23 Federal Rules of Civil Procedure.

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ORAL DEPOSITION OF STEPHEN MICHAEL MCCOLLUM

1 A. Her name was Nicole, NICOLE, maiden name
2 Jorgenson, and now it's -- she's remarried.

3 Q. And were you ever married to anybody else?

4 A. No. Just that and my current wife.

5 Q. Okay. I want to ask you some questions
6 primarily about your father.

7 A. Yes, ma'am.

8 Q. Many of them are going to be the same.

9 A. I understand.

10 Q. Do you know whether your father was ever
11 diagnosed with diabetes?

12 A. I do not. I only know what he told my sister
13 as -- as far as like them saying that he had diabetes
14 while he was in -- in jail because of his blood sugar
15 and things like that and them putting him on medicine
16 for diabetes while in jail.

17 Q. Okay. So you -- you just told me a lot of
18 stuff in that one little sentence.

19 A. Okay. Sorry.

20 Q. That's okay. Did -- is it -- okay.

21 What is your understanding of who told
22 your dad that he had diabetes?

23 A. I'm --

24 Q. Or tell me that again.

25 A. Okay. I would say whenever he went to jail in

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1 Bonham, that's whenever, to my understanding, he was
2 told that he had diabetes, because of his blood sugar
3 and his heart -- blood pressure.

4 Q. And that was by somebody at the prison the
5 first time he went when he went to the Bonham unit or
6 the --

7 A. Yes, ma'am.

8 Q. -- unit that's in Bonham?

9 A. Yes, ma'am.

10 Q. Okay.

11 A. And that was mainly just, you know, hearing
12 what he said they made him take while he was in prison.

13 Q. And what did you hear him say they made him
14 take?

15 A. Diabetic medication, not -- not insulin. I do
16 not know the name of the medication, though.

17 Q. Okay. And did your dad tell you that, or did
18 your sister tell you that?

19 A. It's just a combination of things I've heard
20 over the years. You know, his brother Terry and I went
21 and picked him up from that prison and so, you know, his
22 brother knew a lot more about his condition because he
23 lived with his brother for a while, and I just remember
24 hearing that over the years. I couldn't tell you
25 exactly when.

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1 Q. Okay. After he passed away.

2 A. Yes, ma'am. Yes, ma'am.

3 Q. Okay. What about any other medical conditions,
4 you know -- I don't know, migraine headaches, asthma?
5 Did you ever hear about him having anything -- anything?

6 A. No, nothing more than sore knees, but that's
7 just because he had -- he was overweight.

8 Q. And one more time. Did you ever see medical or
9 prescription bottles by his nightstand or anything like
10 that?

11 A. No, ma'am. I -- I never saw him take anything
12 other than aspirin.

13 Q. How often -- how old were you when your parents
14 got divorced?

15 A. One.

16 Q. Okay.

17 A. My sister is five years older than me so --

18 Q. Would -- would you go and visit your dad at
19 your grandparents house, then?

20 A. Yes. I would -- I would go there every other
21 weekend, and I did so until high school. I mean I
22 always enjoyed my time with my father.

23 Q. Was there ever a time when you -- when that
24 started -- that you remember that started, or you think
25 you did that ever since you were a little baby?

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1 get involved with it. That's just how he was.

2 Q. Did -- Did he say whether -- and I -- I think I
3 know the answer to this, but did he say whether your dad
4 had asked the guards or the other people for either a
5 cup or a lower bunk or different shoes that was denied?
6 Do you see what I'm saying?

7 A. He did not say that specifically, no. I -- I
8 do not know the answer to that.

9 Q. Okay. And -- and I assume you never got a call
10 from your dad saying, Hey, can you send me a cup and
11 some shoes?

12 A. I did not. I -- I wish I would have.

13 Q. Did you consider your father to be disabled?

14 MR. MEDLOCK: Object to the extent that it
15 calls for a legal conclusion.

16 Q. (BY MS. COOGAN) Okay. Go ahead.

17 A. In -- during that time, yes, because -- because
18 of his knee and his obesity, yes, I -- disabled, yes.

19 Q. Because of his knee and his obesity?

20 A. Yes, ma'am.

21 Q. Okay. And his knee being from the automobile
22 accident?

23 A. Yes, ma'am.

24 Q. Did his doctor from the automobile accident
25 give him any kind of a cane or special walking

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1 equipment?

2 A. To my knowledge, he -- he had a boot on for a
3 while, and that was removed long before going to
4 McLennan County.

5 Q. And, yet, for some -- whatever reason, it
6 really never did get right again?

7 A. Yes, ma'am, I -- I believe due to his weight.

8 Q. His weight. Okay.

9 Did you ever -- did you feel like you were
10 right with your dad when he passed?

11 A. Yeah, because a lot of the things that happened
12 when we were -- when I was a kid, I'd already talked to
13 him after I'd become an adult, you know, just pretty
14 much what not to do. I -- I forgave him for all of that
15 long before he went to prison.

16 Q. Since he passed away, I heard your sister say
17 that she's really struggled with it and is seeing a
18 counselor now.

19 A. Yes, ma'am.

20 Q. Have you sought any kind of counseling?

21 A. I have not.

22 Q. Do you think that you need to seek some
23 counseling?

24 A. Not really. I -- I have, you know, friends and
25 family that I speak with about things and I -- I don't

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1 in your father's death?

2 A. No.

3 Q. There's no claim that, because of the car
4 accident, he had a bum knee and, because he had a bum
5 knee, he couldn't get into the bunk or walk over and get
6 food? None of that's in that other lawsuit?

7 A. No. It -- none of that went into that lawsuit,
8 to my knowledge.

9 Q. Do you think those were factors in your
10 father's death?

11 A. I really wouldn't piece it all together like
12 that. No, I do not think that's a factor in my father's
13 death.

14 Q. But earlier you testified that you did think
15 that, because of his weight and because of his knee,
16 that's why he had a hard time getting to meals, because
17 of the distance; is that right?

18 A. Yes, getting to meals. But I also testified
19 that, to my knowledge, his death was caused by a heat
20 stroke which, you know, it doesn't matter what your
21 knee's like or how much food you have, really. I mean
22 heat's heat.

23 Q. Uh-huh. Is it -- earlier did you testify that,
24 because of his weight and because of his knee, it was
25 your understanding that he had difficulty getting to and

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1 from his bunk?

2 A. Yes. That -- yes, I did say that.

3 Q. Okay. Did you also testify of that, because of
4 his weight and his bad knee, that he would have had
5 difficulty getting to a water fountain or source of
6 water?

7 A. No, not because of his knee. I -- I think he
8 had sources of water in the room --

9 Q. Uh-huh.

10 A. -- but from what I was told, they brought ice
11 water into the room and the only reason I know he didn't
12 get any of that is because he didn't have a cup yet and
13 it was in a cooler and you couldn't just go over there
14 with your hands and scoop water in your face because
15 you're going to make all the other guys in that room
16 upset.

17 Q. What if you just drank from underneath it
18 without a cup? Could you not do that?

19 A. I don't believe so. I mean from what the
20 person told me that I spoke to on the phone, that was
21 the time of day that a lot of the -- a lot of the
22 people, you know, that would get a little antsy, like
23 almost fight over the water, you know, like, He's had
24 too much, you've had enough, that type of thing. And
25 just me knowing my father, he wasn't going to have any

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1 A. It kind of is, yes.

2 Q. It's not -- based on your experiences with him,
3 that's why it's hard to believe?

4 A. Yes, because I mean he's always very -- very
5 laid back and, you know, he's -- he's never really
6 struck me as the type of guy to, you know, have issues
7 like that.

8 Q. What about any uncles? Did any -- are you
9 aware of any uncles that have a history of mental
10 illness?

11 A. Not to my knowledge, no.

12 Q. Is it something y'all would talk about?

13 A. I mean I'm sure if -- if that is something that
14 one of my family members was dealing with, I would know
15 about it because, like any family, everybody talks to
16 everybody about, you know, what's going on in
17 everybody's lives.

18 Q. Do you know if your family has a history of
19 hypertension?

20 A. I do not have any knowledge of that, no.

21 Q. Okay. Do you know if your father had
22 hypertension?

23 A. I -- I never knew previous to some of the
24 reports that I saw from Parkland.

25 Q. Does any -- are you aware of anyone in your

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9 REPORTER'S CERTIFICATION
10 ORAL DEPOSITION OF
11 STEPHEN MICHAEL MCCOLLUM
12 November 22, 2013

13 I, Debra L. McGrew, Certified Shorthand
14 Reporter in and for the State of Texas, hereby certify
15 to the following:

16 That the witness, STEPHEN MICHAEL MCCOLLUM, was
17 duly sworn by the officer and that the transcript of the
18 oral deposition is a true record of the testimony given
19 by the witness;

20 I further certify that pursuant to FRCP Rule
21 30(f)(1) that the signature of the deponent:

22 _____ was requested by the deponent or a party
23 before the completion of the deposition and returned
24 within 30 days from date of receipt of the transcript.
25 If returned, the attached Changes and Signature page
 contains any changes and the reasons therefor;

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1 X was not requested by the deponent or a
2 party before the completion of the deposition.

3 I further certify that I am neither attorney
4 nor counsel for, related to, nor employed by any of the
5 parties to the action in which this testimony was taken.
6 Further, I am not a relative or employee of any attorney
7 of record in this case, nor am I financially or
8 otherwise interested in the outcome of the action.

9 Subscribed and sworn to on this the 9th day of
10 December, 2013.

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12
13
14 Debra L. McGrew, Texas CSR #1573
15 Expiration Date: 12/31/2014
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